

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Gary L. Perry, on March 3, 2009 at 9:00
A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Gary L. Perry, Chairman (R)
Sen. Jim Shockley, Vice Chairman (R)
Sen. Aubyn Curtiss (R)
Sen. John Esp (R)
Sen. Greg Hinkle (R)
Sen. Carol C. Juneau (D)
Sen. Cliff Larsen (D)
Sen. Jesse Laslovich (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)

Members Excused: None

Members Absent: Sen. Larry Jent (D)

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 95, HB 121, HB 287, 2/23/2009

Executive Action:

HEARING ON HB 95

Opening Statement by Sponsor:

00:01:36 Rep. Ray Hawk (R), HD 90, opened the hearing on HB 95,
Cost of care contributions under Youth Court Act.

Proponents' Testimony:

00:04:02 Trish Stroman, Supervisor, Financial Programming
Services, Department of Corrections, State of Montana
00:06:09 Bob Peake, Office of the Court Administrator, State of
Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:07:42 Sen. Shockley
00:08:08 Mr. Peake
00:08:31 Ms. Stroman
00:09:00 Sen. Juneau
00:09:44 Rep. Hawk
00:10:51 Ms. Stroman
00:11:24 Sen. Juneau
00:11:27 Ms. Stroman
00:15:38 Sen. Shockley
00:15:46 Ms. Stroman
00:16:22 Sen. Perry

Closing by Sponsor:

00:18:06 Rep. Hawk

HEARING ON HB 121

Opening Statement by Sponsor:

00:18:51 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 121, Revise military statutes for changes in Uniform Code of Military Justice.

Proponents' Testimony:

00:19:56 Brig. Gen. John Walsh, Adjutant General, Montana National Guard, Montana Department of Military Affairs
00:20:57 Dan Antonietti, Legislative Liaison, Veterans of Foreign Wars, Montana Chapter

Opponents' Testimony:

None

Informational Testimony:

00:21:44 Col. James P. Moran, Staff Judge Advocate, Montana National Guard, Montana Department of Military Affairs
[EXHIBIT\(jus47a01\)](#)

Questions from Committee Members and Responses:

00:24:18 Sen. Shockley
00:24:22 Col. Moran
00:26:09 Sen. Shockley
00:26:33 Col. Moran
00:29:13 Sen. Curtiss
00:29:56 Col. Moran

Closing by Sponsor:

00:33:48 Rep. Cohenour

HEARING ON HB 287

Opening Statement by Sponsor:

00:35:07 Rep. Robyn Driscoll (D), HD 51, opened the hearing on HB 287, Authorize utility tree trimming on right-of-way and easements.

[EXHIBIT\(jus47a02\)](#)

Proponents' Testimony:

00:38:37 John Fitzpatrick, NorthWestern Energy

[EXHIBIT\(jus47a03\)](#)

[EXHIBIT\(jus47a04\)](#)

[EXHIBIT\(jus47a05\)](#)

00:46:48 Doug Hardy, Montana Electric Co-Operatives

00:47:38 Dan Flynn, International Brotherhood of Electrical Workers (IBEW)

Opponents' Testimony:

00:49:11 Dave Wood, self

[EXHIBIT\(jus47a06\)](#)

Informational Testimony:

00:50:46 Justin Kraske, Attorney, Montana Public Service Commission

Questions from Committee Members and Responses:

00:52:36 Sen. Larsen

00:53:13 Mr. Fitzpatrick

00:56:38 Sen. Laslovich

00:56:58 Mr. Fitzpatrick

01:01:21 Sen. Hinkle

01:02:01 Mr. Fitzpatrick

01:03:35 Sen. Perry

01:03:58 Mr. Fitzpatrick

Closing by Sponsor:

01:05:04 Rep. Driscoll

01:06:27 break

(Sen. Juneau and Sen. Esp absent from room)

EXECUTIVE ACTION ON HB 121

01:20:35 **Motion:** Sen. McGee moved that **HB 121 BE CONCURRED IN.**

Discussion:

01:20:49 Sen. Shockley

01:21:03 **Vote:** Motion that **HB 121 BE CONCURRED IN** carried unanimously by voice vote. Sen. Juneau, Sen. Jent and Sen. Esp voted by proxy. Sen. McGee will carry HB 121 on the Senate floor.

(Sen. Juneau entered room)

EXECUTIVE ACTION ON HB 95

01:22:12 **Motion:** Sen. Shockley moved that **HB 95 BE CONCURRED IN.**

01:22:29 Sen. Perry

01:23:08 Sen. Shockley

01:23:29 Sen. Perry

01:23:56 Sen. McGee

01:24:56 Sen. Shockley

01:25:52 Sen. Larsen

01:26:12 Sen. Perry

01:26:57 Sen. Shockley

01:27:42 Sen. Perry

01:28:20 Sen. Curtiss

(Sen. Esp entered room)

01:28:54 Sen. Laslovich

01:29:49 Sen. Curtiss

01:30:01 Sen. Shockley

01:30:54 Sen. Hinkle

01:31:35 Sen. Juneau

01:32:32 Valencia Lane, Legislative Services Division (LSD)

01:34:15 Sen. McGee

01:35:15 Ms. Lane

01:35:20 Sen. Shockley

01:36:04 Sen. Larsen

(Sen. Esp absent from room)

01:36:46 Sen. Laslovich
 01:37:18 Sen. Shockley
 01:37:27 Sen. Perry
 01:37:56 Sen. Shockley
 01:38:23 Sen. Murphy
 01:39:06 Sen. Shockley
 01:40:42 Ms. Lane
 01:41:35 Sen. Juneau

(Sen. Jent entered room)

01:42:36 Sen. Perry
 01:42:39 Sen. Shockley
 01:43:05 Sen. Perry
 01:43:57 Sen. Shockley

01:44:24 **Substitute Motion/Vote:** Sen. McGee made a substitute motion that **HB 95 BE TABLED**. Substitute motion carried 11-1 by voice vote with Sen. Laslovich voting no. Sen. Esp voted by proxy.

EXECUTIVE ACTION ON HB 287

01:46:01 **Motion:** Sen. Murphy moved that **HB 287 BE CONCURRED IN**.

01:46:09 **Motion:** Sen. Murphy moved that **HB 287 BE AMENDED**.
EXHIBIT(jus47a07)

01:46:26 **Vote:** Motion that **HB 287 BE AMENDED** carried unanimously by voice vote. Sen. Esp voted by proxy.

01:46:40 **Motion:** Sen. Murphy moved that **HB 287 BE CONCURRED IN AS AMENDED**.

01:46:52 **Motion:** Sen. McGee moved that **HB 287 BE AMENDED on PAGE 1, LINE 27, FOLLOWING UTILITY, INSERT, "WITHIN A UTILITIES RIGHT OF WAY OR EASEMENT."**

Discussion:

01:48:33 Sen. Laslovich
 01:48:59 Sen. McGee
 01:50:03 Sen. Larsen
 01:50:20 Ms. Lane
 01:51:50 Sen. Perry
 01:51:53 Ms. Lane
 01:52:04 Sen. McGee

01:52:38 **Vote:** Motion that **HB 287 BE AMENDED** carried unanimously by voice vote. Sen. Esp voted by proxy.

01:52:50 **Motion:** Sen. McGee moved that **HB 287 BE CONCURRED IN AS AMENDED.**

Discussion:

01:53:00 Sen. Hinkle
 01:55:58 Sen. Shockley
 01:58:15 Sen. Larsen
 01:58:28 Sen. McGee
 01:59:06 Bea McCarthy, Northwestern Energy
 02:00:12 Sen. Hinkle
 02:01:25 Sen. Murphy
 02:02:48 Sen. Shockley
 02:03:31 Sen. McGee
 02:04:13 Sen. Perry
 02:05:24 Sen. McGee
 02:05:45 Sen. Moss
 02:07:20 Sen. Jent
 02:08:32 Ms. Lane
 02:08:51 Sen. Jent
 02:09:03 Ms. Lane
 02:09:46 Sen. Jent
 02:11:27 Sen. Murphy

02:12:17 **Vote:** Motion that **HB 287 BE CONCURRED IN AS AMENDED** carried 9-3 by roll call vote with Sen. Hinkle, Sen. McGee, and Sen. Moss voting no. Sen. Esp voted by proxy. Sen. Murphy will carry HB 287 on the Senate floor.

02:14:15 Sen. Perry

ADJOURNMENT

Adjournment: 11:15 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT ([jus47aad.pdf](#))